

## REMARKS

Claim 3 has been amended and claim 20 has been newly added. Support may be found on page 3, lines 15-16. No new matter has been added. Entry is requested.

The claims are provisionally rejected as being unpatentable over copending application Serial No. 10/773,547. It is the examiner's position that the claims are not patentably distinct because they overlap in scope. Applicants disagree.

The adhesive of the subject application are formulated to have a having a viscosity at 275°F of less than about 8,000 centipose, a yield stress of less than about 80 psi and a creep performance for a bond made through strand coating of less than about 15%. Embodiments encompassed to have a creep performance for a bond made through spiral coating of less than about 25% are also disclosed and claimed. The fact that some claims may be encompassed by the claimed subject matter of another application does not render such claims obvious. The subject matter of the subject application differs in scope, and would not be obvious to one skilled in the art from the disclosure of application Serial No. 10/773,547.

Applicants submit that the claims are patentable distinct. Reconsideration and withdrawal of the provisional obviousness-type double patenting rejection is requested.

Claims 1-6 and 11-19 are rejected under 35 U.S.C. § 102 (b) as being anticipated by vanDrongelen et al (US 6,103,814). The vanDrongelen patent is cited as showing hot melt adhesives containing a thermoplastic elastomer and that can have a viscosity and creep value falling within the scope of the claim. The examiner refers to Table 21 and to col. 55, lines 21-57 of vanDrongelen. It is the examiner's position that such disclosure anticipates the claimed invention. Applicants disagree.

The vanDrongelen patent does not disclose a low application temperature hot melt

adhesive that has a viscosity at 275°F of less than about 8,000 centipose, a yield stress of less than about 80 psi and a creep performance for a bond made through strand coating of less than about 15%, let alone an adhesive that has a creep performance for a bond made through spiral coating of less than about 15%. This reference merely discloses that hot melt adhesives having improved viscosity and performance can be made when using a particular tackifying resin (melt viscosity of about 60,000 cps or less at a temperature of 120°C ( 250°F) and measured as elastic retention of about 70% or more). While the reported data in Table 21 appears to show a viscosity of less than 8000cps at 285°F, clearly the viscosity would be greater than 8000 cps if at the lower temperature of 275°F. Moreover, there is no disclosure that this is even a temperature contemplated for adhesive application. The disclosure at col. 55, lines 21-57, discloses method of determining creep performance (measured as elastic retention/percent of original length) for a bond made through spiral coating. The adhesive of vanDrongelen is applied at a temperature of 160°C (320°F) through a nozzle heated to 160°C (320°F). I.e., the adhesive of vanDrongelen is not a low application temperature hot melt adhesive (an adhesive capable of being applied at a temperature of between about 200°F and 300°F, see applicants' disclosure at page 3, lines 12-19). If the adhesive of vanDrongelen had been applied at 275°F the viscosity would have been much greater than 8000 cps, and the adhesive would not have been useful for elastic attachment applications. It is noted that even at conventional application temperatures, the creep performance (when measured as % retraction) is at best 30% (see Table 4, col. 30 of vanDrongelen).

Applicants also note that vanDrongelen is silent as to the presence of an ionomer resin as required in claims 17-19.

The invention claimed by applicant is not anticipated by vanDrongelen. Withdrawal of

the Section 102 rejection is requested.

Claims 7-10 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over vanDrongelen et al (US 6,103,814) in view of Boyce et al. (U.S. 4,284,542).

The deficiencies vanDrongelen is discussed above. Boyce discloses ionomer-based hot melt adhesives and sealant compositions that contain ammonium phosphate and have improved high temperature viscosity. The Boyce compositions find use as glass sealants or adhesives for automobile windows. Preferably, the compositions also contain an inorganic filler, such as carbon black. Small quantities of a reinforcing agent may also be used and preferred reinforcing resins are disclosed at col. 6, lines 47-68. Such reinforcing agents are disclosed as being used in amounts of up to 30 parts per hundred of the terpolymer ionomer resin. See also Example 7.

Boyce discloses ionomer-based adhesives, not hot melt adhesives that contain an ionomer additive. Boyce fails to cure the defects of vanDrongelen and, as such, the combined disclosures would not render obvious applicants' claimed adhesive.

The invention claimed by applicant is not obvious over vanDrongelen in view of Boyce. Withdrawal of the Section 103 rejection is requested.

Early and favorable action is solicited.

Respectfully submitted,

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